

WAVERLY WOODS DEVELOPMENT * **BEFORE THE**
CORPORATION * **PLANNING BOARD OF**
PETITIONER * **HOWARD COUNTY,**
PLANNING BOARD CASE NO. 402 * **MARYLAND**

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DECISION AND ORDER

On January 16, 2014, the Planning Board of Howard County, Maryland, in accordance with Subsection 127.1.L.2.a of the Howard County Zoning Regulations, opened a public hearing to consider the petition of Waverly Woods Development Corporation for approval of Site Development Plan SDP-13-031, consisting of seven 16-unit apartment buildings, a clubhouse and a pool on 6.69 acres± of land zoned “PSC” (Planned Senior Community). The subject property is located on the north side of Barnsley Way, 750 feet west of Marriottsville Road, is identified as Parcel 249 on Tax Map 16, and is in the Third Election District of Howard County, Maryland.

Notice of the Hearing was published and the subject property was posted in accordance with the Planning Board's requirements, as evidenced by certificates of publication and posting, all of which were made a part of the record in this case. Pursuant to the Planning Board's Rules of Procedure, all of the reports and official documents pertaining to the Petition, including the Petition, the Technical Staff Report of the Department of Planning and Zoning, the Howard County Code, the Howard County Design Manual, the 2000 General Plan of Howard County, Howard County Zoning Map, Howard County Zoning Regulations, Howard County Subdivision and Land Development Regulations including the Forest Conservation Regulations and Manual, the Howard County Landscape Manual, the Adequate Public Facilities Ordinance, and the site development plan and the comments from the Subdivision Review Committee agencies were made part of the record in this case.

FINDINGS OF FACT

1. David Boellner of the Department of Planning and Zoning (DPZ), Division of Land Development (DLD) presented the Technical Staff Report, which recommended approval of the site development plan. Mr. Boellner clarified for the record that contrary to the information provided by the Technical Staff Report, Notice of the Hearing was published in the Howard County Times and Washington Post and not in the Baltimore Sun.
2. The Petitioner was represented by Joseph Rutter, who stated that the plan was substantially consistent with the amended preliminary development plan except for the alignment of the road network connecting existing Barnsley Way to future Emma Stone Drive, which is now straighter and more direct. Mr. Rutter explained that the subject property was rezoned to “PSC” in order to allow for the addition of multi-family dwellings, providing a variety of housing at Waverly Woods and fulfilling the purpose of the “PSC” Zoning District. Mr. Rutter discussed the proposed landscaping, stating that he had been working with adjacent property owners in an attempt to adequately mitigate visual impacts of the project on adjacent properties.
3. Deborah Anderson testified in favor of the plan, stating that although she felt it was not the ideal use for the property the developer had made a good faith effort at achieving a site design acceptable to the community. Ms. Anderson stated that a pathway should be made available to all residents and expressed her opinion that alternatives to red maples as street trees are needed. Ms. Anderson concluded by stating that her concerns were not limited to the present case but were applicable to Waverly West as a whole.
4. Mr. Rutter then testified that he agreed with Ms. Anderson and that a pathway would be provided as appropriate. Mr. Rutter stated that although some landscaping is required, some

is being volunteered by the developer, and that the developer will continue to work with the community to achieve an acceptable design.

5. The Planning Board finds that the site development plan is consistent with the approved preliminary development plan and development criteria. The proposed development satisfies the intent and purpose of the “PSC” Zoning District in that it will provide housing designed for older adults and elderly persons. With the addition of this development Waverly Woods West will provide a variety of housing types, including single-family attached and detached units and apartments. The site development plan is in substantial conformance with the preliminary development plan approved under Zoning Board Case 1097M. The intent of the preliminary development plan is for the property to be used as an age-restricted adult housing development that provides 112 apartment units and associated amenities; the site development plan proposes 112 apartment units, a 5,610 square-foot clubhouse and a pool.
6. The development has direct access to Marriottsville Road, an intermediate arterial road, via Barnsley Way.
7. The development proposes the number of units indicated by the preliminary development plan (112), and ten percent, or 12, of those units will be set aside to satisfy Moderate Income Housing Unit (MIHU) requirements.
8. The development proposes 11.83 acres of open space, which is 63.9% of the area subject to the requirement. This exceeds the minimum required open space of 35%.
9. The development will not be constructed in phases.
10. The site development plan provides detailed information to convey the necessary site plan requirements. The site boundary, topography, existing vegetation, and adjacent stream, wetlands and 100-year floodplain are identified and delineated on the site development plan. Primary access to the site is provided by internal private roads which intersect with existing

Barnsley Way and future Emma Stone Drive, which in turn connect to Marriottsville Road. A detailed landscape plan has been provided as part of the site plan set. Several easements and maintenance agreements will be put in place to construct and maintain utilities and stormwater management facilities. The site development plan provides information on setbacks, units proposed, MIHU's, parking and other development criteria. The site has been designed to be fully ADA accessible and Universal Design Features will be incorporated into the units.

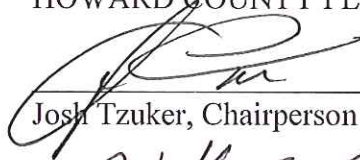
11. The design of the project takes into consideration the surrounding residential neighborhood. Buildings and parking are designed to minimize impact on view sheds of the adjacent single-family homes. Single-family detached units are sited along the southern, western and northern perimeters of the development; the larger apartment buildings are in the eastern portion. A majority of the parking areas are located in areas east of the apartment buildings so parking areas will be screened from the surrounding single-family detached units by the apartment buildings. The topography of the site is such that, since they are closer to the Little Patuxent River and its floodplain, the apartment buildings will be substantially lower in elevation than most of the single-family units. In addition to landscaping required in accordance with Section 16.124 of the Howard County Code and the Landscape Manual, an enhanced landscape buffer on the south and west sides of the development will provide screening between the apartment buildings and existing and proposed single-family units. A mixture of evergreen planting material will be used within this buffer.
12. Sensitive environmental areas will be permanently protected by dedication as open space lots.

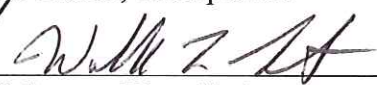
CONCLUSIONS OF LAW

Site Development Plan SDP-13-031 satisfies all standards for approval of a site development plan provided in Subsection 127.1.L.3 of the Howard County Zoning Regulations for the reasons stated in the Department of Planning and Zoning Technical Staff Report.

For the foregoing reasons, the petition of Waverly Woods Development Corporation for approval of a site development plan for seven 16-unit apartment buildings, a clubhouse and a pool on 6.69 acres± of land zoned "PSC," is this 20 day of February, 2014, APPROVED by the Planning Board of Howard County.

HOWARD COUNTY PLANNING BOARD


Josh Tzucker, Chairperson


Bill Santos, Vice Chairperson

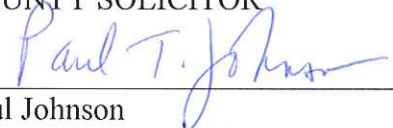

Jacqueline Easley

Absent
Phil Engelke

ATTEST:


Marsha McLaughlin
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:
HOWARD COUNTY OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR


Paul Johnson
Deputy County Solicitor

LIST OF PETITIONER'S EXHIBITS

(None)

LIST OF PROTESTANT'S EXHIBITS

(None)